References: Impacts of Historic Gold Mining in the Black Hills

[HYPERLINK "https://www.sdsmt.edu/Research/Research@Mines/SD-Mines-Researchers-Trace-Pollution-from-Historic-Northern-Hills-Mine-Tailings-Hundreds-of-Miles-Downstream/" \l ".XFMyPlxKjcs"]

Research@Mines

SD Mines Researchers Trace Pollution from Historic Northern Hills Mine Tailings Hundreds of Miles Downstream

Photo caption: Students taking part in research on this project include Bryce Pfiefle, the lead author of this paper, who graduated from SD Mines with a master's degree in geological engineering.

The Black Hills of South Dakota was once home to the largest underground gold mine in North America – the Homestake Mine. Following its closure in 2002, the mine was turned into the [HYPERLINK "https://www.sanfordlab.org/"]. But, newly [HYPERLINK "https://link.springer.com/article/10.1007/s11270-018-3836-8"] shows evidence of the past mining activities can still be found hundreds of miles downstream.

The history of gold mining in the northern Black Hills dates back about 130 years. During the first to middle part of the 20th century, about 100-million tons of mine tailings went down Whitewood Creek and into the Belle Fourche, Cheyenne and Missouri rivers. Research by a group of scientists, including James Stone, Ph.D., a professor of Civil and Environmental Engineering at the [HYPERLINK "http://www.sdsmt.edu/"] along with others at the [HYPERLINK "https://www.usgs.gov/centers/dakota-water"] show elevated levels of arsenic and other contaminants in these historic mine tailings.

"The concentrations in the pore waters and sediments were quite high for arsenic in some sampling sites," says Stone.

In the 1980s, mine tailings along Whitewood Creek, found to contain arsenic, mercury and other pollutants, became an [HYPERLINK "https://www.epa.gov/superfund/what-superfund"]. That clean-up project was completed in the 1990s and was reported as successful. This research examined mine tailings further downstream that were not removed.

"The concentrations are high, but the area does not have very many people," says Stone. The sparse population means little contact with any contamination. He says the SD Mines study ended at the border of the Cheyenne River Reservation and he adds that ongoing studies by other research teams are now underway.

Those studying this problem point out that these contaminated sediments come from historic gold mining and there is still a fair bit of gold left over in the tailings. Mining these historic tailings could be one way to reclaim these streams and remove the contamination.

"There were some companies looking at this potential when the price of gold was high," says Stone. "However, it's not an easy fix. The challenge is you might remobilize those contaminants."

The research article titled "[HYPERLINK "https://link.springer.com/article/10.1007%2Fs11270-018-3836-8"]" is published in [HYPERLINK "https://link.springer.com/journal/11270"] a scholarly journal that publishes research form around the world on these topics.

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[HYPERLINK "https://nativeamericannetroots.net/diary/1177"]
Native American Netroots
...a forum for the discussion of political, social and economic issues affecting the indigenous peoples of the United States, including their lack of political representation, economic deprivation, health care issues, and the on-going struggle for preservation of identity and cultural history

The Theft of the Black Hills
Posted on December 9, 2011 by Ojibwa
During the second half of the nineteenth century, American policies regarding the "civilizing" of the Plains Indians called for them to be segregated in reservations where they could be trained to be Christian farmers. At the same time, non-Indians, obsessed with the idea of obtaining Indian land, strongly felt that because the Indians didn't know how to farm, the good farm land on the reservations should be opened to non-Indian settlement. In addition, since Indians didn't value gold, all mineral producing lands should be turned over to non-Indians so that it could be mined. Since it was imperative that Indians become Christians, sacred lands referred only to lands developed as Christian churches, while areas which had been sacred to Indians was simply considered vacant lands which needed to be developed.

By 1872, American settlers in the Dakotas were complaining loudly about the amount of land locked up in the Sioux Reservation. One newspaper wrote:
"The Indians can make no use of the country which has been set apart for them. The pine lands and mineral deposits are of no value to them, because they neither have the knowledge or inclination to utilize them."

In 1873, the Dakota Territorial legislature asked the U.S. Congress to approve a survey of the Black Hills which would open this area up to exploitation and settlement. Following this request, General Philip Sheridan received permission from President Ulysses S. Grant and the War Department to build a fort in the Black Hills. Non-Indians assumed that the proposed fort was intended to protect them from the "hostile" Indians, while the Indians viewed this as an invasion of their sacred lands in violation of their treaties with the United States.

In 1874, President Ulysses S. Grant ordered Lt. Col. George Armstrong Custer to lead the 7th Cavalry in an expedition to explore and map the Black Hills. Officially, the purpose of the expedition was to find a suitable location for the fort, but in addition it was to examine the topography, flora, fauna, and geology of the Black Hills. The expedition had 900 men and three Gatling guns.

In addition to soldiers, Custer brought along some miners to help determine if there was gold in the area, and journalists who could quickly let the public know if there was any hint of gold in the area. When the miners reported that they found gold, the journalists sent out reports that fired imaginations

regarding easy wealth. With regard to the gold Custer claimed to have found, Professor Newton Winchell, the geologist from the University of Minnesota who accompanied the expedition, doubted that any gold had actually been found. He claimed that the gold which the miners showed-gold which was worth no more than two dollars-was actually gold which they had brought with them to plant in the area.

Regarding the development of the Black Hills by non-Indians, expedition member James Calhoun wrote:
"For the hives of industry will take the place of dirty wigwams. Civilization will ere long reign supreme and throw heathen barbarism into oblivion; ... Christian temples will elevate their lofty spires upwards towards the azure sky while places of heathen mythology will sink to rise no more."
Concerning Indians in the Black Hills, Custer declared that the
"Black Hills region is not occupied by the Indians and is seldom visited by them. It is used as sort of a back-room to which they may escape after committing depredations."

The army, reflecting Custer's opinions, felt that if the Sioux were allowed to retain the Black Hills, they would use the area for staging raids against American settlers and miners.

With the exaggerated reports of gold, companies quickly formed for an assault on the Black Hills. There was little concern as to whether or not this would be permitted by the government: in the past the discovery of gold on Indian lands had always led to governmental abrogation of any Indian rights.

Not all Americans, however, were in favor of exploiting the gold in the Black Hills. Episcopal bishop William Hare warned of dire consequences. Hare insisted that the expedition into the Black Hills would violate the country's honor. The bishop was one of a number of prominent people who voiced their opposition to any gold rush that would violate the terms of the Indian treaties.

In 1875, the Army under the command of General George Crook made a reconnaissance of the Black Hills and found at least 1,200 miners in the region. The miners were ordered to leave, but there was no effort to enforce the order. In his official report, Crook states:
"Now, when I visited the Black Hills country and conversed with the miners in regard to vacating, and reminded them that they were violating a treaty stipulation, it was but natural that they should reply that the Indians themselves violated the treaty hundreds of times every summer by predatory incursions, whereby many settlers were utterly ruined, and their families left without means of subsistence, and this by Indians who are fed, clothed, and maintained in utter idleness by the Government they, the settlers, help support."

A photograph of gold miners in the Black Hills is shown above

The Commissioner of Indian Affairs appointed a special commission to go to South Dakota to meet with the Sioux and obtain the Black Hills. The commission was headed by Senator William B. Allison of Iowa and was thus known as the Allison Commission. In general, the members of the commission had no qualifications for negotiating land cessions from Indians. The government proposed that either the Indians sell them the Black Hills for $6 million to be paid in 15 annual installments, or to lease the mining rights to the area for $400,000 per year. In their response to the proposal, the Sioux leaders, particularly

Red Dog and Red Cloud, insisted that it must provide for the next seven generations of their people. The Allison Commission failed to obtain the Black Hills for the United States.

The American government brought Sioux chiefs Red Cloud and Spotted Tail to Washington, D.C. to discuss the Black Hills. The government hoped to persuade the chiefs to relinquish the Black Hills. When the subject of the Black Hills came up, Red Cloud got upset and explained that he had come to Washington only to lay his grievances before the President, not to discuss the Black Hills. Red Cloud told the Commission of Indian Affairs:
"The white men tell me lies, and I became so troubled I wanted to come to Washington and see the Great Father himself and talk with him. That is why I have come to see you."
When the Sioux delegation met with President Ulysses S. Grant, they were all dressed in full paint and feathers. The President was somewhat cool to the Indian leaders. While he said he was glad to see them, he would not talk business with them. The Sioux were not pleased with their meeting with the President. In their discussions with the Indian Office, the suggestion was again made that they should consider moving to Oklahoma.

The Red Cloud delegation is pictured above.

Although United States law (the treaties with the Sioux) prohibited Euro-American occupa¬tion of the Black Hills in South Dakota, President Ulysses S. Grant, in a secret November meeting with the Secretary of the Interior, the Secretary of War, Lieutenant General Sherman and Brigadier General George Crook, brushed aside any treaty obligations to the Sioux and ordered "no further resistance shall be made to miners going into [the Black Hills]." In December all Sioux nations were ordered onto reservations away from their sacred Black Hills, and away from the gold coveted by the Americans. According to the government, the decision to require the Indians to be on the reservations was made to protect reservation Indians from non-treaty Indians.

The United States declared war on the Sioux in 1876. The Sioux had to relinquish the Black Hills or starve. Congress passed an act which provided:
"hereafter there shall be no appropriation made for the subsistence of the Sioux, unless they first relinquish their rights to the hunting grounds outside the [1868 treaty] reservation, ceded the Black Hills to the United States, and reached some accommodation with the Government that would be calculated to enable them to become self-supporting."
The United States issued an ultimatum to the Sioux: all of the bands were to report to their agency by January 31, 1876 or be considered hostile. This was an impossible order: Indian bands did not usually move in the winter, and second, word would not necessarily reach the off-reservation groups. The army then launched a three-pronged pacification campaign against the "hostiles" who have refused to come in. While the military campaign met with defeat at the Little Bighorn where Lt. Col. Custer and his men were killed, the relentless army troops attacked Indians-any Indians, not just the Sioux-where ever they could find them on the Northern Plains.

With regard to public relations and non-Indian propaganda regarding the Black Hills, Colonel Richard Dodge's 1876 book, The Black Hills, declared that the Black Hills had never been the permanent home for any Indians. He also felt that the Sioux don't really want the area.

In 1877, the Sioux met in council with the government to sign an agreement which relinquished the Black Hills to the United States. Among the chiefs attending were Red Cloud, Red Dog, Old-Man-Afraid-of-His-Horse, Young-Man-Afraid-of-His-Horse, Little Wound, and Sitting Bull (Oglala). The speeches made by the chiefs at the signing clearly indicated that they neither understood the terms of the agreement nor that they had any intention of abiding by its terms. The new agreement ignored the provision in the 1868 treaty which required three-fourths of adult Sioux males to sign any land cession agreement. Instead, the chiefs and two head men from each tribe signed. At this time, neither Congress nor the American public was in a mood to be bound by legal technicalities.
This entry was posted in Uncategorized and tagged Black Hills, History, Indians 101 by Ojibwa. Bookmark the permalink.

http://www.theblackhills.com/black-hills-gold-rush/
Black Hills Gold Rush
The Rush for Riches: History of the Gold Rush
The Black Hills in South Dakota are abundant with serene landscapes and the sounds of tranquility from the trickling creeks. Today, hikers traverse the hills for some soul-searching, and campers pitch their tents for a peaceful night by an open fire. Visitors leave rich with experience, and the wealth of the land lies within the adventures and the memories they've made.

But the hills have another story to tell, one of a different kind of fortune. The Black Hills once held the promise of gold, and the frontiersmen flooded the area with the hopes of building an insurmountable personal estate. With eyes sparkling with the promise of prosperity, miners came from all over the country to pan for the precious mineral: Gold.

History of the Black Hills Gold Rush
Rumors of gold in the Black Hills were prevalent long before the rush actually began. According to the Treaty of Fort Laramie, the Black Hills belonged to the Sioux tribe and were set aside for their exclusive use. But early pioneers were allowed on the land with authorization. Roman Catholic missionary Father De Smet noticed the tribe carrying gold, gold they told him came from the Black Hills. And money talks. When the Sioux and other area Native Americans were said to have the precious mineral in their possession, the pioneers' eyes grew wide with greed.

The Rush Begins
With rumors of gold in the air, an expedition was established by the U.S. Army and it consisted of over one thousand men, known as the 7th Cavalry. The team was led by Civil War fighter George Armstrong Custer. They set out on July 22nd, 1874 in what is presently known as Bismarck, North Dakota.

The rumors were confirmed when small amounts of gold were found in 1874 in French Creek in Custer, South Dakota. Custer penned a letter on August 15, 1874 to the Assistant Adjutant General of the Department of Dakota and stated that "there is no doubt as to the existence of various metals throughout the hills." This was later telegraphed to the press, and the world became aware of the riches of the Black Hills.

With the white man's incessant treaty revisions, unkept promises, and revocation of land that was once ruled by Native Americans, perhaps the Sioux tribe could have predicted what came next. Even though only small amounts of gold were found, people from all over the country flocked to South Dakota to try their hands at panning for fortunes. The land that was promised as Sioux Territory by the Treaty of Fort Laramie was now being hounded, trampled, and taken by the pioneers.

The Flock Continues

In 1865, larger deposits of the mineral were found in Deadwood, located in the northern territory of the Black Hills. Miners set up camp all along the creek banks and extracted all the gold they could find. The most luck was had by a small team of men on April 9th, 1876. The men were Fred and Moses Manuel, Hank Harney, and Alex Engh. Instead of panning for flakes, these men set out to search for a larger outcrop of gold that was producing the smaller bits in and around the creek. They "struck gold" so to say, when they found the larger supply, and they named their settlement Homestake. The Homestake Mines would go on to produce 10 percent of the world's gold supply over the next 125 years.

The Impact of the Rush

A gold "rush" is characterized by the rapid influx of people to a certain area that may contain gold in an effort to gain riches. Every miner who set out for the Black Hills had high hopes of being one of the first, or one of the luckiest, miners to extract the mineral from the land. Unfortunately, the phenomenon of "quick riches" is elusive for most. A large number of miners went home empty handed, or weren't able to find enough gold to make even a little fortune.

But the land was good to some, like the pioneers who discovered the Homestake Mine, and they were able to build a lifetime (and more) of fortune. These locations continued to produce the precious mineral until very recently, and the families prospered.

Whenever there is money involved, you can count on there being a large number of people who want to get their hands on it. The Black Hills Gold Rush was no different. Because of the considerable amount of gold being trafficked across the plains in wagons (known as "treasure coaches"), there came about an increase in crime for the region. Robbers would stop the wagons on their way and use violence if necessary to steal the gold.

Where are They Now?

General Custer: The tensions between the Sioux Indians and the early pioneers reached its peak after the Black Hills Gold Rush. What ensued was a deadly battle between the two forces, and the entire 7th Cavalry, including Custer, lost their lives in the Battle of Little Bighorn, or the battle known as "Custer's Last Stand".

It is rumored, however, that General Custer lives on. Custer was said to have taken a wife of a Sioux woman named Mo-nah-se-tah, and allegations of having bore Custer's child still linger in the air. However, some believe that it was actually Custer's brother, Tom, who is the father of Mo-nah-se-tah's child.

The Sioux Indians: Even though Sitting Bull led the Sioux and Cheyenne tribes to victory in the Battle of Little Bighorn, bad luck was to come. In 1891, the Sioux lost the Battle of Wounded Knee, which meant forfeiting the land they worked so hard to protect.

Roughly 30,000 Sioux Indians are living today. They mostly still reside in the Great Plains area.

The Miners: Whether or not certain individual miners found fortune in the hills, many of them ended up staying in the area and making a home of South Dakota, and towns sprouted up all over as former miners gathered together. Some residents today are the descendents of the early miners.

Homestake Mine: The Homestake Mine closed its doors in 2002, but until then it was the largest and deepest gold mine in North America. In 2007, the Homestake location was chosen by the National Science Foundation for the Deep Underground Science and Engineering Laboratory, which will work on experiments involving dark matter and neutrinos, as well as research for biology, geology, and mining.

The Richness of the Hills
The hills of South Dakota bear many stories. Stories of rags to riches, of the hope and promise for prosperity, and of bloodshed and battles fought for the land. Fortunes were won and lost, and the dream for gold vanished just as quickly as it arrived. The land was stripped and taken. History was made.

The Black Hills may not produce the gold they once did, but they are still rich with beauty and lush with charm. After hiking the trails by the creek beds, through the trees and into a serene and desolate clearing, you'll find it difficult to imagine the area once bustling with miners and those hoping to strike it rich. But you wouldn't trade your experience in the Black Hills for anything. No amount of gold can buy the memories you've made.

https://sacredland.org/black-hills-united-states/
Black Hills
Status: Threatened
Country: United States
Report By: Amy Corbin
Posted: September 1, 2001
Updated: November 1, 2003

The Black Hills stretch across western South Dakota, northeast Wyoming and southeast Montana and constitute a sacred landscape for the Lakota, Northern Cheyenne and Omaha. To the Lakota, they are Paha Sapa, "the heart of everything that is." The Black Hills were the casualty of one of the most blatant land grabs in U.S. history and continue to be the site of a legal and political confrontation. Rick Two-Dogs, an Oglala Lakota medicine man, explains: "All of our origin stories go back to this place. We have a spiritual connection to the Black Hills that can't be sold. I don't think I could face the Creator with an open heart if I ever took money for it."

History of the Conflict

In the rolling, forested highlands of the Black Hills, four thousand archaeological sites spanning 12,000 years attest to a long relationship with native people. An oblong ridge circles the Black Hills, separating them from the surrounding prairie grasslands and making them "one of the most unusual environmental features in the United States," according to anthropologist Peter Nabokov. In the 1700s and 1800s, the Lakota ceremonial season began each spring with the stampede of buffalo from the Black Hills through Buffalo Gap. As the people followed the buffalo, they would go to places like Devils Tower and Bear Butte, their pathway forming the shape of a buffalo's head. As Lakota scholar Vine Deloria tells it: "In the spring, the people would follow the buffalo herd and they'd have to do a series of four ceremonies, the last one of which would either end up at Devils Tower or Bear Butte depending on what year it was and what the situation was. This is written down now in a book on star knowledge" which illustrates the relationship between the constellations, land formations and movement of Lakota bands within the Black Hills. The Lakota believe that permanent occupancy of the Black Hills was set aside for the birds and the animals, not for humans.

The U.S. government initially tried to prevent settlement of the Black Hills, having signed the 1851 Treaty of Ft. Laramie, which promised 60 million acres of the Black Hills "for the absolute and undisturbed use and occupancy of the Sioux." Settlers were aware that the Black Hills were sacred, considered the womb of Mother Earth and the location of ceremonies, vision quests, and burials. Initially, the newcomers accepted the fact that the Hills belonged to the Lakota—until gold was discovered. When they heard the rumors of gold, they clamored for access to a vast area that had previously been avoided for fear of Native American attacks and because of the 1851 Treaty.

In 1857, Lakota leaders gathered at Bear Butte to discuss the increasing number of white invaders in the Black Hills. As settlers continued to ignore the treaty boundaries of the Black Hills, and as the government began to build military posts within them to assure the safety of the westward moving settlers, a second treaty was signed by only a few Lakota leaders which reduced their land base to 20 million acres. This was the 1868 Treaty of Ft. Laramie, the one to which all current legal arguments refer. In 1874, the government allowed General George Armstrong Custer to explore the Hills—ostensibly to find a place to build a fort, but Custer was accompanied by geologists and miners who confirmed the presence of gold. This was a clear violation of even the second, more limited, treaty. Discovery of gold sparked a rush of miners and settlers, and the government tried to threaten the Lakota into selling their remaining 20 million acres. When this didn't work, Congress enacted a new treaty in 1877, with only 10% of the adult male Lakota population signing it, which seized the land, resulting in war and eventual defeat for the Lakota—though Custer died for his sins in 1876 at Little Bighorn. In the twentieth century, the Lakota began a concerted legal effort to reclaim the Black Hills. A federal judge who reviewed the case in the 1970s commented: "A more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history."

Now, the issue is whether tribal sacred lands taken in the nineteenth century can be bought and sold in the twenty-first. After a century of struggle to file claims in court against the illegality of the 1868 treaty, the Indian Claims Commission, the Court of Claims, and finally the Supreme Court in 1980 recognized the 8 Lakota Nations' rights to the part of the Black Hills specified in the 1868 treaty. But instead of ordering the government to return the land, the Claims Commission awarded a financial sum equal to the land's value in 1877 plus interest. This sum now totals $570 million—a considerable amount but still

much smaller than the value of the natural resources which have been extracted from the Black Hills, estimated at $4 billion. The Lakota have refused to accept the money on the grounds that one cannot buy and sell sacred land. Says Johnson Holy Rock, a Lakota elder and former chairman of the Oglala Sioux, "We don't think of the air and water in terms of dollars and cents." Two political plans in the 1980s (one spearheaded by Senator Bill Bradley) to return 1.3 million acres of federal land in the Black Hills were defeated by the South Dakota congressional delegation, including Senator Tom Daschle.

Over the years, the Black Hills have experienced mining, logging, and recreational uses, often in violation of Lakota beliefs. Mining for gold, coal and uranium pollutes water. Cyanide heap-leach gold mines, such as Homestake and Gilt Edge, use cyanide to extract gold from crushed ore. The cyanide mixes with other chemicals, producing toxic chemicals which can leach into the groundwater. This sort of mining leaves huge open pits which scar the landscape, and frequently the companies are allowed to abandon the mines without cleaning up or restoring the land to its original state.

Two sacred places within the Black Hills, Bear Butte and Devils Tower are on public land and are protected from natural resource extraction. However, both have endured conflicts over recreational use. Bear Butte, known as Mato Paha, has long been a site for ceremonies, vision quests, and important tribal meetings, though most Americans see the dramatic little mountain as just one of the many geographically stunning outcroppings in the Black Hills. Bear Butte became a South Dakota state park in 1961, and was placed on the National Register of Historic Places in 1973. To accommodate different uses of the park, the state created two different trails, one for hikers and one for native religious practitioners, which leads people to a designated ceremonial area. Both trails are open to the public, however non-native users are requested to stay on trail and not disturb prayer bundles or individuals in ceremony.

In 1982 Lakota and Tsistsistas (Cheyenne) elders sued the state of South Dakota to prevent deeper incursions into the park to increase tourism, including a parking lot, roads, and campgrounds. They also sought to limit the state's ability to establish new regulations requiring visitors, including traditional religious practitioners, to obtain permits. The U.S. District Court's opinion Fools Crow v. Gullet, found that the Native Americans could not have "full, unrestricted, and uninterrupted religious use of Bear Butte" because that would constitute the state establishing a religion, and because the state's right to open the landmark to the public was protected under the First Amendment. This was one of several cases in the 1980s which showcasedthe failure of the American Indian Religious Freedom Act to protect native religious practices on public land.

Other sacred places in the Black Hills include Buffalo Gap National Grasslands, Angostura Springs, Harney Peak, and Wind Cave National Park. The Lakota believe that the Wind Cave is the place where their ancestors emerged. The site was occupied by Lakota activists and elders in 1981 to protest the 1980 Supreme Court decision that offered financial restitution for the taking of the Black Hills. The same year marked the beginning of the occupation of Yellow Thunder Camp by American Indian Movement activists, an occupation which lasted for several years but was ultimately disbanded since they were denied permits for permanent structures.

Current Status

The land claim settlement money sits untouched in a bank account while the Lakota, who have the lowest income and highest unemployment rates in the country, continue to demand the return of their land. California businessman Phil Stevens, who was the architect of one of the plans in the 1980s, is still working with the Rosebud Sioux Tribe on a plan for returning part of the Black Hills. Other proposals include allowing the Lakota to purchase privately-held land using interest from the settlement, or the federal government returning particular sites within the Black Hills to the Lakota.

Meanwhile, politicians continue to allow the Black Hills to be violated. In late 2001, Senator Tom Daschle attached a rider to a defense bill granting immunity to the owners of the Homestake Mine, a 125-year old cyanide heap leach gold mine from the early days of illegal claims, allowing Homestake to vacate the depleted mine without cleaning up any of the pollution or reclaiming deep pits in the landscape.

The U.S. Forest Service allows the Black Hills National Forest to be logged, to the point where few old growth trees remain. The Black Elk Wilderness Area, 0.8 percent of the Black Hills, is the only protected area, but even here, timber companies are pressing for access.

Recreational and spiritual users of Bear Butte continue to co-exist, but native people are concerned about the growing numbers of visitors, some of whom show no respect for religious practices. State park officials emphasize their desire to provide adequate privacy for ceremonies, but they are legally bound to accommodate the land use wishes of the general public. While the native people still hope that some areas of the Butte will be set aside for their exclusive use, that seems unlikely in the near future.

A strange twist to the Black Hills story is the recent attempt by Kevin Costner, director and star of Dances With Wolves, to build a 838-acre recreation resort, including ski runs and a railroad, in the lands of the people who were the subject of his film. Since the mid-1990s, Costner and his brother have been planning the resort and dismissing Lakota concerns. In April 2002, Costner met with Lakota leader Arvol Looking Horse and agreed to reconsider his development plans to better serve the Lakota. Costner has also cleaned up a trash pit dump area which was left by the Homestake Mine.

In August 2002, claiming to protect a national forest, Congress authorized further desecration of the Black Hills with the passage of an innocent-sounding amendment—"The Black Hills Fire Prevention Agreement"—which was sponsored by Senator Tom Daschle (D, SD) and attached to the "2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States."

Currently, only 3% of the Black Hills area is untouched, roadless wilderness, and this rider opens up the Norbeck Wildlife Preserve and the Beaver Park Roadless Area to logging clearcuts, road construction and associated infrastructure. The rider was ostensibly to protect areas of the Black Hills from wildfires and the pine bark beetle through logging. However, this contradicts the natural function of fire in cleansing a forest and the Forest Service's own information that there are very few beetles in the Norbeck area.

The Black Hills have been sacred to the Lakota and other native people for thousands of years, known as a place of extraordinary spiritual power. Within the Norbeck Wildlife Preserve lies Harney Peak, described by Lakota spiritual leader Black Elk as "the Center of the World." Logging roads are now being

built in this landscape, destroying sacred places that cannot be restored. The logging itself will have long-term impacts on old-growth trees, associated water systems and wildlife.

The Forest Service has allowed the cutting of a 20 mile long, 400 foot wide buffer around the Beaver Park Roadless Area, where there previously were roads on the boundary and where all have now been upgraded. Meanwhile, 700 acres have been clearcut in Beaver Park due to the presence of pine beetles. In the Jasper fire area, which has been logged extensively, the Forest Service had previously documented 20 sacred sites. Two years ago, fire swept through the area and revealed an additional 60 sacred sites and burials.

This thinly disguised gift to the timber industry is another in a long series of intrusions into the Black Hills, in further violation of the 1851 and 1868 treaties between the Lakota and the U.S. government. Those treaties should have protected the area from resource extraction and allowed native people to manage the Black Hills, but instead, the area has been subject to the industry-friendly policies of the U.S. Forest Service. Charmaine White Face of Defenders of the Black Hills noted, "The Fort Laramie Treaties remain the supreme law of the land, and as such, enforcement of these treaties should form the basis for all stewardship decisions made by the Forest Service in its stewardship role on the lands of the Great Sioux Reservation, in general, and the sacred Black Hills in particular."

Senator Dashle's rider prefigured a recent debate on management of all forest lands in the U.S. In May 2003, President Bush released his "Healthy Forests Initiative" plan, a companion to House Bill 1904, "The Healthy Forests Restoration Act of 2003," both of which lift logging restrictions in the name of fire protection. In June 2003, the National Forest Protection Alliance recognized the Black Hills National Forest as one of the top 10 Most Endangered Forests in the U.S. In July, Democrats introduced a counter-bill, Senate Bill 1453, "The Forestry and Community Assistance Act of 2003," which proposes fire protection measures without interfering with healthy old-growth forests.

Meanwhile, the city of Sturgis, South Dakota and a group of private investors plan to build a sports complex and shooting range just four miles north of Bear Butte. They have already spent $250,000 of Housing and Urban Development (HUD) money on the project. Although they knew Bear Butte was sacred to many Plains tribes, no tribes were consulted about the proposal, a possible violation of federal laws.

Concerns about the proposed shooting range include:

The sound of an estimated 10,000 rounds per day being fired from rifles and handguns will disrupt the silence and serenity of people from more than 60 different tribes who come to pray at Bear Butte, as well as non-tribal people who visit to enjoy the tranquility, beauty and power of the butte.
Increased traffic to the new development by patrons and employees, and to a clubhouse, motel, and restaurant that are being planned.
Increased air pollution caused by firing 10,000 rounds of ammunition per day.
The sounds and activity will disturb birds and wildlife in the Bear Butte area, and in particular, the eagle, which is important in Native American spirituality and ceremonies.

Possible effects on patients at Fort Meade Veterans Administration Hospital from the sound of distant gunfire.

Lessons Learned

While the Supreme Court case concerning the Black Hills was important because it affirmed the treaty the U.S. signed with the Lakota, the resulting financial settlement reveals the lack of legitimacy granted to Native American religions under the U.S. legal system. For this conflict to be settled, land must be returned. The story of the Black Hills and their division into National Parks, State Parks, Forest Service land and private property reveals a cultural misunderstanding of the concept of a sacred landscape. Preserving certain obvious physical features, such as Bear Butte, while mining and logging thousands of acres in other parts of the Black Hills, is a grave affront to Lakota people. Legal and political analysis of the issue must incorporate the idea of continuous, interconnected stretches of land, rather than specific locations around which fences can be erected. As has been made clear in other sacred land cases, the courts will be of little assistance until there is broadly-conceived legislation, or unless there is specific protection for an area granted by the executive branch.

This patchwork of land holdings in the Black Hills provides an opportunity to develop a model for shared land management between tribes, states, and the federal government. Any co-management of land would have to take into account the fact that tribes are sovereign nations, so decisions about the land would be made in the context of government-to-government relationships.

Resources

The PBS show Religion and Ethics ran a piece on the biker bar, Nov. 10, 2006.

"For Sacred Indian Site, New Neighbors Are Far From Welcome." New York Times, August 4, 2006.

"A Broken Treaty Haunts the Black Hills." Argus Leader, 2001.

"Same Black Hills, More White Justice" by Edward Lazarus gives an account of the past and current exploitation of the Black Hills. Also see his book Black Hills, White Justice.

Bear Butte State Park.

A timeline of Plains Indian History 1640-1840 from the Independent Television Services's documentary Homeland.

Andrew Gulliford, Sacred Objects and Sacred Places: Preserving Tribal Traditions.